

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

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|---|---------------------|---|----------------------------------|--------------|
| AGENCY NAME Mississippi Department of Marine Resources | | CONTACT PERSON Joe Jewell | TELEPHONE NUMBER 228-523-4072 | |
| ADDRESS 1141 Bayview Avenue | | CITY Biloxi | STATE MS | ZIP 39530 |
| EMAIL Joe.Jewell@dmr.ms.gov | SUBMIT 9-16-2015 | Name or number of rule(s): Title 22 Part 18 | | |

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: TITLE 22 PART 18: MISSISSIPPI DEPARTMENT OF MARINE RESOURCES: PART 18 RULES AND REGULATIONS FOR SPECIAL PERMITS IN THE STATE OF MISSISSIPPI. Chapter 2: Adds Sections 106 and 107; Chapter 3: amends Sections 106 and 107; Chapter 4: amends Sections 100, 101 and 102; Chapter 5: amends Sections 101 and 104; Chapter 6: amends Sections 100, 101 and 102; Chapter 7: amends Section 101.

Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-15-15, APA, § 25-43-1.101 *et seq.*

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 18: (see above summary description; complete description attached).

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.


ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

| TEMPORARY RULES | PROPOSED ACTION ON RULES | FINAL ACTION ON RULES |
|--|---|---|
| _____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____ | Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ Other (specify): _____ | Date Proposed Rule Filed: 8/18/2015 Action taken: <input checked="" type="checkbox"/> Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing <input checked="" type="checkbox"/> Other (specify): 11/1/2015 |

Printed name and Title of person authorized to file rules: Jamie M. Miller, Executive Director

Signature of person authorized to file rules: *Jamie M. Miller*

| OFFICIAL FILING STAMP | DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP | OFFICIAL FILING STAMP |
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| <div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by | <div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by | <div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by #21528 <i>[Signature]</i> |

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Complete description of proposed changes:

TITLE 22 PART 18: MISSISSIPPI DEPARTMENT OF MARINE RESOURCES: PART 18 RULES AND REGULATIONS FOR SPECIAL PERMITS IN THE STATE OF MISSISSIPPI.

Chapter 2

- 106 It is the public policy of this state to favor the preservation of the natural state of the coastal wetlands and their ecosystems and to prevent the despoliation and destruction of them pursuant to Miss. Code Ann. § 49-27-3.
- 107 The MCMR is vested with authority to adopt, modify, or repeal rules or regulations to utilize, manage, conserve, preserve and protect the flora, fauna, tidelands, coastal wetlands, coastal preserves, marine waters and any other matter pertaining to the marine resources under its jurisdiction pursuant to Miss. Code Ann. § 49-15-304.

Chapter 3

- 102 The original permit or a copy of the original permit must be in the possession of one of the permittees when taking or possessing ~~marine organisms~~ samples under the conditions of the permit. Permits are not transferable, but may be issued in more than one person's name.
- 106 All MDMR Special Permits are valid only in the marine waters and state managed areas under the territorial jurisdiction of the State of Mississippi MDMR. These waters include all waters south of Interstate Highway 10 in Hancock, Harrison and Jackson Counties and extend to approximately three miles south of the barrier islands. All state managed areas include those parcels acquired and managed by the MDMR's Coastal Preserves Program. To conduct sampling activities within the one-mile boundary of the Gulf Islands National Seashore permission must also be obtained from the National Park Service located in Ocean Springs, MS at (228) 875-9057.
- 107 The MDMR ~~Office of Marine Fisheries at (228) 374-5000 and the~~ Marine Patrol Office (228) 432-7708 523-4134 must be notified 24 hours in advance of the start of any research activity.

Chapter 04 ~~Marine~~ MDMR Scientific Collection Research Permit

- 100 For the purpose of this permit, scientific research is defined as any research, monitoring, restoration, or collection activity having potential direct or indirect impact to state-managed natural resources. When making the initial request in writing for a ~~an~~ Marine MDMR Scientific Collection Research Permit the applicant must include the following information on a form provided by the MDMR:
- 100.01 Name, address and daytime phone number of applicant
- 100.02 Names of all person(s) that will be conducting field ~~collections~~ research activities under the provisions of the specific permit.
- 100.03 Registration and/or documentation number(s) of all vehicles or vessels that will be involved in ~~collection-research~~ activities and name of vessel(s) if applicable.
- 100.04 A general description of all activities which will be conducted, including a schedule of ~~collection~~ activities, ~~collection research~~ methods, number and size of all gear to be used, and frequency of ~~collection~~ activity by gear type.
- 100.05 A ~~navigational chart map~~ showing the geographical location of the ~~collection-research~~ activities, with each location identified by coordinates.
- 101 A complete written report of all collection activities must be submitted to the ~~MDMR Office of Marine Fisheries~~ MDMR within ~~90~~ 30 days following the expiration date of the permit.
- 102 None of the ~~finfish or shellfish~~ samples collected under the authority of a ~~an~~ Mississippi-Marine-MDMR Scientific Collection Research Permit are to be sold, bartered, traded or consumed. Only applicants who can demonstrate a specific need for retaining ~~specimens~~ samples as an integral part of the project will be authorized to retain specimens samples.

Chapter 5

- 101 Applicants must be tax-exempt organizations under Section 501 (c) of the United States Internal Revenue Code and have on file with the State Tax Commission a tax-exempt letter issued by the United States Internal Revenue Service. Each application received will be reviewed. ~~After review~~ by Office of Marine Fisheries personnel ~~of the MDMR, and~~ a recommendation will be made to the Executive Director ~~of the MDMR~~ or his designee as to the validity of the permit request and if it has sufficient merit for issuance.
- 104 The total catch of shrimp shall be limited to that deemed necessary by the MDMR and the applicant, but shall not exceed a maximum of 500 pounds. Any by-catch must be returned to the water immediately. The Executive Director will determine the total number of oysters, ~~which~~ the permittee will be allowed to harvest under the conditions of the permit.

Chapter 6

- 100 When making the initial request in writing for a ~~Marine broodstock- Brood Stock~~ eCollection ~~p~~Permit the applicant must include the following information on a form provided by the MDMR:
- 101 A complete written report of all collection activities must be submitted to the MDMR Office of Marine ~~F~~ Fisheries within ~~90~~ 30 days following the expiration date of the permit.
- 102 None of the finfish or shellfish collected under the authority of a Marine ~~Broodstock-Brood Stock~~ Collection Permit are to be sold, bartered, traded or consumed.

Chapter 7

- 101 A complete written report of all harvest activities must be submitted to the MDMR ~~O~~ffice of Marine Fisheries within ~~90~~ 30 days following the expiration date of the permit to include but not limited to: